

REMARKS/ARGUMENTS

In response to U.S. Patent and Trademark Office Action dated January 21, 2010, having a shortened statutory period for response set to expire April 21, 2010, having been extended for two months so as to expire June 21, 2010, Applicants respectfully request the Examiner to reconsider her rejection for the reasons set forth hereinbelow.

Independent claim 1 sets forth that the thickening system has a specific miscibility gap with a lower critical temperature which is above the use temperature of the preparation. None of the prior art references cited or applied by the Examiner teach, suggest or render obvious such a miscibility gap. In addition, none of the prior art references appreciate the criticality of the miscibility gap in forming a foam-like preparation. In this regard, the Examiner's attention is drawn specifically to paragraph 15 of the instant specification. This portion of the specification establishes the criticality of the claimed miscibility gap in forming a foam-like composition as claimed in independent claim 1. The prior art cited by the Examiner does not recognize the criticality of a specific miscibility gap in forming a foam-like preparation and, therefore, the prior art cannot be said to teach, disclose, suggest or render obvious the subject matter of independent claim 1.

In light of the foregoing, the Examiner is respectfully requested to withdraw her rejections of independent claim 1 and issue a formal notice of allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in

this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as pending herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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